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SUBJECT: DJIBOUTI -- 2009 TIP REPORT: PRESS GUIDANCE AND
DEMARCHE

REF: A. (A) STATE 59732
 B. (B) STATE 005577

11. This is an action cable; see paras 5 through 7 and 10.

12. On June 16, 2009, at 10:00 a.m. EDT, the Secretary will release the 2009 Trafficking in Persons (TIP) Report at a press conference in the Department's press briefing room. This release will receive substantial coverage in domestic and foreign news outlets. Until the time of the Secretary's June 16 press conference, any public release of the Report or country narratives contained therein is prohibited.

13. The Department is hereby providing Post with advance press guidance to be used on June 16 or thereafter. Also provided is demarche language to be used in informing the Government of Djibouti of its tier ranking and the TIP Report's imminent release. The text of the TIP Report country narrative is provided, both for use in informing the Government of Djibouti and in any local media release by Post's public affairs section on June 16 or thereafter. Drawing on information provided below in paras 8 and 9, Post may provide the host government with the text of the TIP Report narrative no earlier than 1200 noon local time Monday June 15 for WHA, AF, EUR, and NEA countries and OOB local time Tuesday June 16 for SCA and EAP posts. Please note, however, that any public release of the Report's information should not/not precede the Secretary's release at 10:00 am EDT on June 16.

14. The entire TIP Report will be available on-line at www.state.gov/g/tip shortly after the Secretary's June 16 release. Hard copies of the Report will be pouched to posts in all countries appearing on the Report. The Secretary's statement at the June 16 press event, and the statement of and fielding of media questions by G/TIP's Director and Senior Advisor to the Secretary, Ambassador-at-Large Luis CdeBaca, will be available on the Department's website shortly after the June 16 event. Ambassador de Baca will also hold a general briefing for officials of foreign embassies in Washington DC on June 17 at 3:30 EDT.

15. Action Request: No earlier than 12 noon local time on Monday June 15 for WHA, AF, EUR, and NEA posts and OOB local time on Tuesday June 16 for SCA and EAP posts, please inform the appropriate official in the Government of Djibouti of the June 16 release of the 2009 TIP Report, drawing on the points in para 9 (at Post's discretion) and including the text of the country narrative provided in para 8. For countries where the State Department has lowered the tier ranking, it is particularly important to advise governments prior to the Report being released in Washington on June 16.

16. Action Request continued: Please note that, for those countries which will not receive an "action plan" with specific recommendations for improvement, posts should draw host governments' attention to the areas for improvement identified in the 2009 Report, especially highlighted in the "Recommendations" section of the second paragraph of the narrative text. This engagement is important to establishing the framework in which the government's performance will be

judged for the 2010 Report. If posts have questions about which governments will receive an action plan, or how they may follow up on the recommendations in the 2009 Report, please contact G/TIP and the appropriate regional bureau.

¶7. Action Request continued: On June 16, please be prepared to answer media inquiries on the Report's release using the press guidance provided in para 11. If Post wishes, a local press statement may be released on or after 10:30 am EDT June 16, drawing on the press guidance and the text of the TIP Report's country narrative provided in para 8.

¶8. Begin Final Text of Djibouti's country narrative in the 2009 TIP Report:

DJIBOUTI (TIER 2 WATCH LIST)

Djibouti is a source, transit, and destination country for women and children trafficked for the purposes of commercial sexual exploitation and domestic servitude. Large numbers of voluntary economic migrants from Ethiopia and Somalia pass illegally through Djibouti en route to Yemen and other locations in the Middle East; among this group, a small number of women and girls may fall victim to involuntary domestic servitude or commercial sexual exploitation after reaching Djibouti City or the Ethiopia-Djibouti trucking corridor. Others fall victim to human trafficking after reaching their destinations in the Middle East. Djibouti's large refugee population (comprised of Somalis, Ethiopians, and Eritreans) remains vulnerable to various forms of exploitation, including human trafficking. A small number of girls from impoverished Djiboutian families may engage in prostitution with the encouragement of family members or other persons engaged in prostitution. Prostitution in Djibouti occurs in apartments, brothels, and on the streets; members of foreign militaries stationed in Djibouti reportedly contribute to the demand for women and girls in prostitution, including trafficking victims. Polish authorities identified one female Djiboutian trafficking victim in 2008.

The Government of Djibouti does not fully comply with the minimum standards for the elimination of trafficking; however, it is making significant efforts to do so. Despite these significant overall efforts, the government showed only limited evidence of progress in prosecuting specific human trafficking offenses and in raising public awareness of the crime; therefore, Djibouti is placed on Tier 2 Watch List.

Recommendations for Djibouti: Continue to enforce the anti-trafficking statute through the successful prosecution of trafficking offenders; launch a nationwide campaign to educate all levels of government officials and the general public on the issue of human trafficking; develop a plan for providing training on the anti-trafficking law and its provisions to law enforcement and social welfare officials, including judges, lawyers, police, immigration officers, and social workers; establish formal policies and procedures for government officials to proactively identify and interview potential trafficking victims and transfer them to the care, when appropriate, of local NGOs or international organizations; and establish mechanisms for providing increased protective services to trafficking victims, possibly through the forging of partnerships with NGOs or civil society organizations.

Prosecution

The Government of Djibouti made nascent efforts to bring trafficking offenders and migrant smugglers to justice during the reporting period. Law 210, &Regarding the Fight Against Human Trafficking,8 enacted in December 2007, covers both internal and transnational trafficking and prohibits all forms of trafficking in persons. It provides for the protection of victims regardless of ethnicity, gender, or nationality, and prescribes penalties of up to 30 years,

imprisonment for trafficking offenders. These penalties are sufficiently stringent and commensurate with those prescribed for other grave crimes, such as rape. The Ministry of Justice reported its use of Law 210 during the reporting period to prosecute and convict illegal migrant smugglers and their accomplices, but it did not provide further information on such cases; it is unclear whether any of them involve human trafficking. Throughout the year, Djibouti's Brigade des Moeurs (Vice Police) conducted regular nighttime sweeps of the capital's bars and streets and preventatively detained an unknown number of Ethiopian and Somali minors suspected to be engaged in prostitution. The brigade reportedly detained their exploiters as well; specific information regarding the punishment of pimps was not provided.

Protection

With few resources itself and a very small pool of local NGOs, the government had few options for meeting the needs of children exploited in prostitution during the year. One NGO, in consultation with the Ministry of Women, continued to operate a drop-in day center for street children at risk of becoming victims of trafficking, prostitution, or other forms of exploitation. The Council of Ministers took no action in 2008 to ensure comprehensive care for victims as mandated under Article 18 of Law 210. After detaining children on suspicion of engaging in prostitution, police attempted to locate and meet with parents or other family members to discuss appropriate child protection; children were then released to the care of family members. As a last resort, Ethiopian and Somali children detained by police on suspicion of involvement in prostitution were housed in quarters at the Police Academy before deportation. In 2008, renovation began on several rooms at the academy to improve accommodations for these children. Police worked with the Ministry of Health, a clinic and hospitals, as well as NGOs, to provide medical care to victims of child prostitution. No charges were filed against minors detained on suspicion of engaging in prostitution in 2008. The police began a study of the family situations of prostituted minors in 2008.

The government accommodated a growing number of asylum-seeking defectors from the Eritrean military during the reporting period. As of March 2009, the government and UNHCR registered 129 Eritrean military defectors (some of whom may be trafficking victims) as asylum-seekers after conducting joint interviews. The government has not yet developed a formal referral process to transfer trafficking victims to the care of NGOs, or a system for proactively identifying victims of trafficking among vulnerable populations. Authorities did not encourage victims to participate in investigations or prosecutions of traffickers.

Prevention

During the reporting period, the government did not launch an information campaign specifically targeted at raising public awareness of human trafficking. In an effort to prevent the forced labor and commercial sexual exploitation of Ethiopian and Somali illegal migrants in Yemen and Saudi Arabia, however, the state-run media published numerous stories on the dangers of illegal migration. In addition, the military regularly detained boats suspected to be smuggling African migrants to Yemen and imprisoned their operators. Article 16 of Law 210 requires the government to establish or support policies or programs to prevent human trafficking through awareness campaigns, training programs, and social and economic initiatives; no discernable progress was made in any of these areas during the reporting period. During the reporting period, the government invited IOM to open an office in Djibouti, and provided office space within the Ministry of Labor. In March 2009, government officials began collaborating with IOM for an awareness campaign on the dangers of irregular migration, including the risk of becoming a trafficking victim. The government worked to reduce the demand for commercial sex acts by continuing to investigate child sexual exploitation cases and deploying a

regular police vice squad. The government did not take any known measures in 2008 to reduce the demand for forced labor.

¶9. Post may wish to deliver the following points, which offer technical and legal background on the TIP Report process, to the host government as a non-paper with the above TIP Report country narrative:

(begin non-paper)

-- The U.S. Congress, through its passage of the 2000 Trafficking Victims Protection Act, as amended (TVPA), requires the Secretary of State to submit an annual Report to Congress. The goal of this Report is to stimulate action and create partnerships around the world in the fight against modern-day slavery. The USG approach to combating human trafficking follows the TVPA and the standards set forth in the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime (commonly known as the "Palermo Protocol"). The TVPA and the Palermo Protocol recognize that this is a crime in which the victims, labor or services (including in the "sex industry") are obtained or maintained through force, fraud, or coercion, whether overt or through psychological manipulation. While much attention has focused on international flows, both the TVPA and the Palermo Protocol focus on the exploitation of the victim, and do not require a showing that the victim was moved.

-- Recent amendments to the TVPA removed the requirement that only countries with a "significant number" of trafficking victims be included in the Report. Beginning with the 2009 TIP Report, countries determined to be a country of origin, transit, or destination for victims of severe forms of trafficking are included in the Report and assigned to one of three tiers. Countries assessed as meeting the "minimum standards for the elimination of severe forms of trafficking" set forth in the TVPA are classified as Tier 1. Countries assessed as not fully complying with the minimum standards, but making significant efforts to meet those minimum standards are classified as Tier 2. Countries assessed as neither complying with the minimum standards nor making significant efforts to do so are classified as Tier 3.

-- The TVPA also requires the Secretary of State to provide a "Special Watch List" to Congress later in the year. Anti-trafficking efforts of the countries on this list are to be evaluated again in an Interim Assessment that the Secretary of State must provide to Congress by February 1 of each year. Countries are included on the "Special Watch List" if they move up in "tier" rankings in the annual TIP Report -- from 3 to 2 or from 2 to 1) or if they have been placed on the Tier 2 Watch List.

-- Tier 2 Watch List consists of Tier 2 countries determined: (1) not to have made "increasing efforts" to combat human trafficking over the past year; (2) to be making significant efforts based on commitments of anti-trafficking reforms over the next year, or (3) to have a very significant number of trafficking victims or a significantly increasing victim population. As indicated in reftel B, the TVPRA of 2008 contains a provision requiring that a country that has been included on Tier 2 Watch List for two consecutive years after the date of enactment of the TVPRA of 2008 be ranked as Tier ¶3. Thus, any automatic downgrade to Tier 3 pursuant to this provision would take place, at the earliest, in the 2011 TIP Report (i.e., a country would have to be ranked Tier 2 Watch List in the 2009 and 2010 Reports before being subject to Tier 3 in the 2011 Report). The new law allows for a waiver of this provision for up to two additional years upon a determination by the President that the country has developed and devoted sufficient resources to a written plan to make significant efforts to bring itself into compliance with the minimum standards.

-- Countries classified as Tier 3 may be subject to statutory restrictions for the subsequent fiscal year on non-humanitarian and non-trade-related foreign assistance and, in some circumstances, withholding of funding for participation by government officials or employees in educational and cultural exchange programs. In addition, the President could instruct the U.S. executive directors to international financial institutions to oppose loans or other utilization of funds (other than for humanitarian, trade-related or certain types of development assistance) with respect to countries on Tier 3. Countries classified as Tier 3 that take strong action within 90 days of the Report's release to show significant efforts against trafficking in persons, and thereby warrant a reassessment of their Tier classification, would avoid such sanctions. Guidelines for such actions are in the DOS-crafted action plans to be shared by Posts with host governments.

-- The 2009 TIP Report, issuing as it does in the midst of the global financial crisis, highlights high levels of trafficking for forced labor in many parts of the world and systemic contributing factors to this phenomenon: fraudulent recruitment practices and excessive recruiting fees in workers, home countries; the lack of adequate labor protections in both sending and receiving countries; and the flawed design of some destination countries, "sponsorship systems" that do not give foreign workers adequate legal recourse when faced with conditions of forced labor. As the May 2009 ILO Global Report on Forced Labor concluded, forced labor victims suffer approximately \$20 billion in losses, and traffickers, profits are estimated at \$31 billion. The current global financial crisis threatens to increase the number of victims of forced labor and increase the associated "cost of coercion."

-- The text of the TVPA and amendments can be found on website www.state.gov/g/tip.

-- On June 16, 2009, the Secretary of State will release the ninth annual TIP Report in a public event at the State Department. We are providing you an advance copy of your country's narrative in that report. Please keep this information embargoed until 10:00 am Washington DC time June 16. The State Department will also hold a general briefing for officials of foreign embassies in Washington DC on June 17 at 3:30 EDT.

(end non-paper)

¶10. Posts should make sure that the relevant country narrative is readily available on or though the Mission's web page in English and appropriate local language(s) as soon as possible after the TIP Report is released. Funding for translation costs will be handled as it was for the Human Rights Report. Posts needing financial assistance for translation costs should contact their regional bureau's EX office.

¶11. The following is press guidance provided for Post to use with local media.

Q1: Why is Djibouti placed on Tier 2 Watch List?

A: Djibouti showed only limited evidence of progress in prosecuting specific human trafficking offenses and in raising public awareness of the crime. It is unclear whether any of the migrant smuggling cases prosecuted under Djibouti's comprehensive trafficking statute meet the definition of human trafficking; the government did not provide disaggregated data. The government took no action in 2008 to ensure comprehensive care for victims or to launch an information campaign specifically targeted at raising public awareness of human trafficking.

Q2: What progress has Djibouti made in the last year?

A: The government invited IOM to open an office in Djibouti, and provided office space within the Ministry of Labor.

After detaining children on suspicion of engaging in prostitution, police attempted to locate and meet, when possible, with parents or other family members to discuss appropriate child protection. Renovation began on several rooms at the Police Academy to improve accommodations for detained Ethiopian and Somali children awaiting deportation. During the year, the police began a study of the family situations of prostituted minors. The government accommodated and, with UNHCR, jointly interviewed a growing number of asylum-seeking defectors from the Eritrean military, some of whom are likely trafficking victims, during the reporting period.

Q3: What can Djibouti do to improve its fight against trafficking in persons?

A: The Government of Djibouti could: continue to enforce the anti-trafficking statute through the successful prosecution of trafficking offenders; launch a nationwide campaign to educate all levels of government officials and the general public on the issue of human trafficking; develop a plan for providing training on the anti-trafficking law and its provisions to law enforcement and social welfare officials, including judges, lawyers, police, immigration officers, and social workers; establish formal policies and procedures for government officials to proactively identify and interview potential trafficking victims and transfer them to the care, when appropriate, of local NGOs or international organizations; and establish mechanisms for providing increased protective services to trafficking victims, possibly through the forging of partnerships with NGOs or civil society organizations.

¶12. The Department appreciates posts, assistance with the preceding action requests.

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